

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. GARY PAUL GUNHAMMER, Defendant.	3:23-CR-30114-ECS REPORT AND RECOMMENDATIONS ON DEFENDANT'S CHANGE OF PLEA
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The above-captioned matter came on before the Court for a change of plea hearing on Monday, December 2, 2024. Defendant, Gary Paul Gunhammer, appeared in person and by his counsel, Katherine Landis-True, while Plaintiff, United States of America ("Government") appeared through Wayne Venhuizen , an Assistant United States Attorney.

Defendant consented in open court to the change of plea before the Court and his consent was knowingly and voluntarily made. The Government likewise consented to the Court taking Defendant's plea. Further, the parties waived their right to object to the report and recommendation.

Defendant has reached a plea agreement with the Government wherein he intends to plead guilty to Counts II & III as contained in the Indictment . Defendant is charged in Counts II & III of the Indictment with Failure to Register as a Sex Offender in violation of 18 U.S.C. §2250(a). At the hearing, Defendant was advised of the nature of the charges to which he would plead guilty and the maximum penalties applicable, specifically: 10

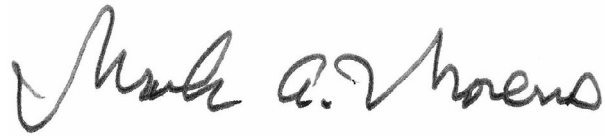
years custody; 250,000 fine, or both; 5 years up to life supervised release; 2 additional years imprisonment if supervised release is revoked on any such revocation; \$100 assessment; and restitution. Those penalties are the same for each count.

Upon questioning Defendant personally in open court, it is the finding of the Court that Defendant is fully competent and capable of entering the informed pleas, that he is aware of the nature of the charged offenses and the consequences of the pleas, and that his plea of guilty to the offenses contained in Counts II & III of the Indictment are knowing and voluntary pleas supported by an independent basis in fact containing each of the essential elements of the offenses. It is, therefore, the Court's recommendation that the guilty pleas to Counts II & III of the Indictment be accepted and that Defendant be adjudged guilty of those offenses.

It is further ORDERED that Defendant shall remain detained pending sentencing or until further order of a judicial officer of this District as previously ordered.

DATED this 2nd day of December, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Mark A. Moreno", is written over a horizontal line.

MARK A. MORENO
UNITED STATES MAGISTRATE JUDGE